

REMARKS/ARGUMENTS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The status of the claims after the foregoing amendment is as follows:

| | |
|----------------------|----------------------------|
| Rejected: | 1, 3, 4, 7, 8, 11, and 12; |
| Withdrawn: | 5, 6, 9, and 10; |
| Request examination: | 2; |
| Allowable: | 4; and |
| Newly presented: | 13-15 |

Initially, the examiner is asked to also examine claim 2. The response to the restriction/election of species requirement had a typographical error. It should have included Claims 1 to 4 as well as claims 7, 8, 11, and 12, and not claims 1 and 4. The examiner realized that claim 3 should have been included based on dependency. Applicants believe that claim 2 is also in group 1 and therefore should be examined at the same time as the claims that have been examined.

The examiner is thanked for the indication that claim 4 contains allowable subject matter. At this time claim 4 has not been written in independent form.

New claims 13-15 are directed to embodiments within Group 1 as elected. Furthermore, these claims are well supported in the specification and therefore, there is no new matter presented. Favorable consideration of these claims is requested.

In the office action of December 16, 2004, the examiner has rejected claims 1, 3, 4, 7, 7, 11, and 12 under 35 U.S.C. §112 second paragraph. This rejection as it applies to the claims as amended is traversed.

The examiner will notice that claim 1 has been amended to remove the grammatical errors pointed out by the examiner. Further, claim 7 has been amended to reword the claim so that the language is now clear and grammatically correct. Lastly, claim 12 has been amended to remove the quotation marks surrounding folded down. There is clear antecedent basis for this term in claim 8 upon which claim 12 depends. Therefore, all rejection under 35 U.S.C. §112 second paragraph seem to have been obviated and should be withdrawn.

The examiner has also rejected claims 1, 8, and 11 under 35 U.S.C. §102(e) based on U. S. Patent No. 6,347,834, Couasnon, hereafter "the Couasnon patent." This rejection as it applies to the claims now present for examination is respectfully traversed.

The Couasnon patent does not disclose a vehicle seat assembly where the seat back is mounted on the seat proper. This is clear by looking at FIG. 8 of the Couasnon patent. Therefore, there is no anticipation of claims 1, 8, and 11 because the Couasnon patent does not disclose each feature of the claims. This rejection should now be withdrawn.

The examiner has also rejected claims 3 and 7 based on 35 U.S.C. §103 based on the combination of the Couasnon patent and U. S. Patent No. 6,048,030, Kanda, hereinafter "the Kanda patent." This rejection as it applies to the claims now presented is respectfully traversed.

As noted above, the Couasnon patent, does not disclose a seat having the structure of the seat as claimed in the present application. Further, the differences are such that it would not have been obvious to modify the seat disclosed in the Couasnon patent as suggested by the examiner. In addition, it would not have been obvious to modify the Couasnon patent seat in view of the seat disclosed in the Kanda patent to arrive at the structure claimed in claim 8. Therefore, this rejection seems to be unwarranted and should now be withdrawn.

Lastly, the examiner has rejected claim 12 as unpatentable based on 35 U.S.C. §103 in view of the Couasnon patent taken with U. S. Patent No. 5,842,349, Richter, hereafter "the Richter patent." This rejection is respectfully traversed.

The Richter patent does not remove any of the deficiencies of the Couasnon patent. The element added by claim 12 in the context of claim 1 is not disclosed or suggested by the combination of the Couasnon patent and the Richter patent. While the Richter patent does disclose a seat structure that folds flat, it is in a very different context from the seat as claimed in claim 12. Therefore, this combination of references does not suggest the structure of claim 12 and this rejection should be withdrawn.


It therefore appears that this application is now in condition for allowance. An early indication of allowance is respectfully requested. If there are any questions about this application or this response, the examiner is requested to call the undersigned at (312)263-4700.

Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903. A copy of this Transmittal is enclosed.

Respectfully submitted,

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By: 
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